

Serial No. 09/625,960 (Atty. Docket No. Aguilar 1-24-1-1 (LCNT/122485))
Reply of Office Action of June 24, 2005

REMARKS

This response is a full and complete response to the final Office Action mailed June 24, 2005. In the Office Action, the Examiner noted that claims 1-44 are pending of which claims 41-44 are withdrawn from consideration, claims 15-40 are allowed, claims 1-4, 6-12 and 14 are rejected, and claims 5 and 13 are objected to. By this response, Applicants have herein amended claims 1, 5, 8, and 13. Claim 12 is hereby cancelled.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Applicants believe that this application is now in condition for allowance.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the allowance of claims 15-40.

The Examiner has objected to claims 5 and 13 as being dependent upon a rejected base claim. The Examiner states that these claims would be allowable subject matter if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for indicating the allowable subject matter with respect to claims 5 and 13. However, in view of discussion set forth herein, Applicants believe that rejected base claims 1 and 8 (and all intervening claims) are allowable. It therefore follows that Applicants believe that dependent claims 5 and 13 are also allowable. Therefore, Applicants respectfully request that the foregoing objection to claims 5 and 13 be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1-4, 6-12 and 14

Claims 1-4, 6-12 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,765,127 issued to Nishiguchi (hereinafter "Nishiguchi"). Applicants respectfully traverse the rejection.

Nishiguchi fails to teach or suggest each and every limitation of Applicants' invention of at least claim 1. Namely, Nishiguchi fails to teach or suggest at least the

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limitations of: "means for estimating a voicing threshold for each segment, comprising: means for dividing the spectrum into a plurality of non-linear bands, wherein the low bands of the spectrum have a higher resolution than the high bands of the spectrum, means for evaluating at least one voice measurement for each of the plurality of bands; and means for determining the voicing threshold for each segment using the at least one voice measurement," as taught in Applicants' invention of at least claim 1.

Nishiguchi is completely devoid of any teaching or suggestion of a voicing threshold, as taught in the Applicants' invention of at least claim 1. Nishiguchi merely teaches a predetermined threshold. Furthermore, even if the predetermined threshold of Nishiguchi did teach the voicing threshold of Applicants' invention (which Applicants maintain it does not), Nishiguchi still merely teaches that the predetermined threshold is set to a fixed, predetermined value. For example, Nishiguchi states that "whether this ratio is equal to or larger than a predetermined threshold $N_{sub.th}$ or not is decided... If the threshold is set to, e.g. 0.7, the decision on YES is made." (Nishiguchi, Col. 28, Lines 50-54). In other words, Nishiguchi does not teach that the predetermined threshold is computed according to some signal or data processing. Rather, Nishiguchi merely teaches that the predetermined threshold is set to a particular value.

Furthermore, Nishiguchi is completely devoid of any teaching or suggestion of "means for dividing the spectrum into a plurality of non-linear bands," as taught in Applicants' invention of at least claim 1. Rather, the only non-linear functions taught in Nishiguchi include non-linear compression. A means for non-linear compression, as taught in Nishiguchi, is simply not a means for dividing a spectrum into a plurality of non-linear band, as taught in Applicants' invention of at least claim 1. Moreover, since Nishiguchi fails to teach or suggest "means for dividing the spectrum into a plurality of non-linear bands," Nishiguchi must also fails to teach or suggest at least the limitations of "means for evaluating at least one voice measurement for each of the plurality of bands" and "means for determining the voicing threshold for each segment using the at least one voice measurement, as taught in Applicants' invention of at least claim 1. Thus, Nishiguchi fails to teach or suggest each and every element of Applicants' invention.

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As such, Applicants submit that claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, independent claim 8 recites features substantially similar to the features of claim 1. As such, for at least the same reasons discussed herein with respect to claim 1, Applicants submit that independent claim 8 is also anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

As such, independent claims 1 and 8 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, dependent claims 2, 4, 6, 7, 9, 11, and 14 depend, either directly or indirectly, from claims 1 and 8 and recite additional limitations therefor. As such, Applicants submit that dependent claims 2, 4, 6, 7, 9, 11, and 14 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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